

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Nigel P. Smith and Michael J. Hammond
Assignee: Nanometrics Incorporated
Title: Overlay Metrology Mark
Serial No.: 10/549,860 Filing Date: July 13, 2006
Examiner: Jesse Y. Moyoshi Group Art Unit: 2811
Docket No.: NAN155 US 8027 Confirmation No: 7177

Saratoga, California
April 29, 2009

MS Amendment
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97(b)**

Dear Sir:

Pursuant to 37 C.F.R. § 1.56, §1.97 and §1.98, Applicants submit for consideration in the above-identified patent application the document listed on the accompanying Form PTO/SB/08. A copy of this document is not attached hereto, because this document is an issued U.S. patent, which is readily available in the U.S. Patent and Trademark Office. The Examiner is requested to make this listed document of record.

This Information Disclosure Statement is submitted pursuant to 37 CFR §1.97(b) as it is within three months of the filing date of a national application other than a continued prosecution application and/or before the mailing of a first Office Action on the merits. Accordingly, no fee is required.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not

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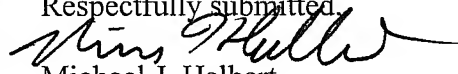
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exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

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Respectfully submitted,



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